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ABSTRACT

This ERIC Digest outlines what is meant by the phrase human rights and the origin of the concept. It also traces the delineation of the concept of human rights from the 17th century antecedent of "natural rights" to its eventual incarnation as inherent political or personal rights, such as freedom of speech, press, assembly, and religion. The theoretical framework which undergirds governments attempts to preserve, protect, and guarantee these rights is identified. Two philosophical approaches: negative rights and positive rights are identified. Negative rights refers to limiting the power of a government to protect the rights of an individual on the basis that this would result in a government too powerful and omnipotent. Positive rights maintains that the power of the government should be enhanced so that it can protect and guarantee certain things for the populace. Proponents of each type have witnessed conflict and consensus between the two as they have been debated. Over time there have been alternative perspectives on the universality of human rights presented by Pope John Paul II, the Enlightenment era philosophers, and the founders of America. Currently, the United Nations Universal Declaration of Human Rights serves as a standard by which many people judge various countries' conditions of citizenship and government. Specific articles are identified within the United Nations Declaration that exemplify both positive and negative rights. The Digest identifies various sources of information concerning human rights education; two university-based centers, several web sites, print materials, and sources available through the United Nations. (MJP)

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A Global Perspective on Human Rights Education

by John J. Patrick

Human Rights Day (December 10, 1998) marks the 50th anniversary of the Universal Declaration of Human Rights. On December 10, 1948, the United Nations adopted this document. It is not legally binding on the signatories, but it has moral force that commands worldwide respect. Thus, the United Nations Universal Declaration of Human Rights is a standard by which many people throughout the world judge the conditions of citizenship and government internationally and within their own countries. This document, which includes 30 articles pertaining to various human rights, is also a focal point of education about human rights in schools throughout the world.

Conceptions and Origins. "Human rights are the claims that all human beings are justly entitled to make merely by virtue of their being human" (Plattner 1995, 573). In the seventeenth and eighteenth centuries, when this idea became prominent in Western Europe and North America, it carried the label "natural rights" to denote derivation of these rights from the nature of every human being. Each person, according to the natural rights concept, possesses equally certain immutable rights by virtue of her or his membership in the human species; it is the duty of a just government to protect these rights.

The United States Declaration of Independence, adopted July 4, 1776, expresses the "natural rights" idea in these memorable words: "We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness. That to secure these Rights Governments are instituted among Men, deriving their just powers from the Consent of the Governed. That whenever any form of Government becomes destructive of these Ends, it is the right of the People to alter or Abolish it and to institute new Government . . ."

This Declaration of Independence by and for the people of a new American nation still has global implications. The same can be said about the Declaration of the Rights of Man and the Citizen issued by France's National Assembly in 1789, which proclaimed: "The end of all political associations is the preservation of the natural and imprescriptible rights of man; and these rights are liberty, property, security, and resistance of oppression."

The 1787 Constitution and the 1791 Bill of Rights of the United States of America were designed and adopted to address the civic values of the 1776 Declaration of Independence. This Constitution reflects the understanding among America's founders that the individual's rights are at risk if a government is either too strong or too weak. A good government simultaneously is empowered and limited. It is empowered sufficiently by the people to secure their rights against domestic or foreign predators. And this government's power is also limited sufficiently by the supreme law of its constitution to protect the people's rights against abuses by their own governors.

During the nineteenth and twentieth centuries, the concept of natural rights was transformed into the idea of human rights. This change reflected an expansion of the scope or range of rights to include two types of claims.

The first and older type is negative; it would limit the power of a government to protect peoples' rights against its power. The second and newer type of claim is positive; it would enhance the power of the government to do something for the person to enable her or him in some way. Thus, the late twentieth century idea of human rights, which incorporates both the positive and negative types, means that "certain things ought not to be done to any human being and certain other things ought to be done for every human being" (Perry 1998, 13).

The older negative claims on rights are exemplified by Articles 1-21 of the United Nations Universal Declaration of Human Rights. These Articles imply that no government or society should act against individuals in certain ways that would deprive them of inherent political or personal rights, such as freedom of speech, press, assembly, and religion. The newer positive claims on rights are exemplified by Articles 22-28 of the Universal Declaration of Human Rights. They imply that every government and society should act for individual members to enable them to enjoy certain social and economic rights or benefits pertaining to social security, employment, housing, education, health care, and general standard of living.

Conflict and Consensus about Negative and Positive Rights. There is general or global agreement among advocates of human rights that both types of rights, the negative and positive, must be included in a worthy constitutional government. However, there is worldwide conflict or disagreement about which type of rights is primary and most important in a constitutional democracy.

Advocates for the primacy and predominance of positive rights claim that "bread is more important than freedom of speech." They argue that the duties of government to provide social and economic welfare benefits for all the people require enhancement of public power and authority to enter all areas of economic and social life to promote the common good (Patrick 1991, 622).

By contrast, proponents of the negative rights tradition worry about the enormous increase of centralized government power required to provide positive rights through large-scale public programs. This could lead to a government so powerful

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and insufficiently limited that it could arbitrarily deprive particular persons (those out of favor with authorities) of their traditional personal and political rights. Thus, they maintain that human rights generally depend upon the primacy of guaranteed negative rights. They assert: a constitutional democracy that would only recognize negative rights is incomplete; one that would only or primarily recognize positive rights is impossible (Patrick 1991, 623).

Alternative Perspectives on the Universality of Human Rights. United Nations documents proclaim the universality of human rights, as did Enlightenment-era philosophers and founders of the United States of America. So, too, have major world religions recognized the equal worth and dignity of all persons, a universalist idea that undergirds human rights. For example, Pope John Paul II has often expressed the global or universal relationship between human rights and the worth and dignity of each person (Schall 1998, 59).

These claims to the universality of human rights have been disputed by particularists and historicists, those who see them only as expressions of Western civilization rather than as global aspirations and standards. They view the current international surge of constitutional democracy and human rights as cultural imperialism by the West against the non-West. By contrast, universalists see a global destiny for human rights, a viewpoint supported by the worldwide decline of totalitarian regimes during the latter part of the twentieth century (e.g., the communist regimes of Central and Eastern Europe). The universalists claim that people everywhere, if given a choice, will choose free government and human rights.

Curricular Applications and Resources. There is a strong international movement for human rights education. According to leading educators, teaching and learning about human rights in age-appropriate ways is feasible and desirable from kindergarten through grade twelve and beyond. Schools in most parts of the world have incorporated human rights education into the curriculum. Further, international non-governmental organizations (NGOs) are committed to human rights education.

Two important sources of information for human rights education are (1) Human Rights Watch; 485 Fifth Avenue, New York, NY 10017-6104; T: (212) 972-8400; F: (212) 972-0905; E: <hrwnyc@hrw.org> and (2) Freedom House; 120 Wall Street, New York, NY 10005; T: (212) 514-8040; F: (212) 514-8045. Both organizations produce annual reports on the status of freedom and human rights throughout the world.

Two university-based centers that produce first-rate educational materials on human rights are (1) Center for Teaching International Relations of the Graduate School of International Studies at the University of Denver; Denver, CO 80208; T: (303) 871-3106; F: (303) 871-2456; E: <mmontgom@du.edu>; and (2) Center for the Study of Human Rights at Columbia University; 1108 International Affairs Building, MC: 3365, New York, NY 10027; T: (212) 854-2479; F: (212) 316-4578; E: <eshr@columbia.edu>.

The United Nations, of course, is a key source of information and curricular materials on human rights. The United Nations World Wide Web site features "CyberSchoolBus," a collection of K-12 curricular materials and other resources for teaching and learning about human rights and related topics, at <http://www.un.org/Pubs/CyberSchoolBus/>. For other United Nations educational resources, contact the United Nations Office of Communications and Public Information, New York, NY 10017; and contact UNESCO's Education Information Service, 7 Place de Fontenoy, 75700 Paris, France; <http://www.education.unesco.org/>.

Conclusion. During the second half of the twentieth century, support of human rights has become prominent throughout the world, and the flagrant abuse of those rights anywhere is likely to become a global concern. Most governments in the nation-states of today's world recognize the legitimacy of international interest in the inherent rights of every person, even if some do it grudgingly or superficially. Given the global primacy of human rights, there should be pervasive and systematic human rights education in schools throughout the world.

References and ERIC Sources. The following list of resources includes references used to prepare this Digest. The items followed by an ED number are available in microfiche and/or paper copies from the ERIC Document Reproduction Service (EDRS). For information about prices, contact EDRS, 7420 Fullerton Road, Suite 110, Springfield, Virginia 22153-2852; telephone numbers are (703) 440-1400 and (800) 443-3742. Entries followed by an EJ number, annotated monthly in CURRENT INDEX TO JOURNALS IN EDUCATION (CIJE), are not available through EDRS. However, they can be located in the journal section of most larger libraries by using the bibliographic information provided, requested through interlibrary loan, or ordered from commercial reprint services.

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